

PATENT
Customer No. 22,852
Attorney Docket No. 05725.0632-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	Group Art Unit: 1751
Gérard LANG et al.)	
)	Examiner: E. Elhilo
Application No.: 09/600,128)	
)	
Filed: September 13, 2000)	Confirmation No.: 7777
)	
For: KERATINOUS FIBRE OXIDATION)	Notice of Allowance dated
DYEING COMPOSITION CONTAINING)	October 7, 2004
A LACCASE AND DYEING METHOD)	
USING SAME)	

MAIL STOP ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Applicants thank the Examiner for the Notice of Allowability and Statement of Reasons for Allowance dated October 7, 2004. Without withdrawing the claims from issue, Applicants submit these comments to clarify the role of the declaration under 37 C.F.R. § 1.132 submitted by Applicants on September 13, 2004 ("132 declaration").

Specifically, the Examiner states that the 132 declaration renders the rejection moot because the 132 declaration "would be sufficient to rebut any prima facie case of obviousness." Notice of Allowability, p. 2. While Applicants agree that the 132 declaration is sufficient to rebut any prima facie case of obviousness, Applicants submit that the Examiner's inferred characterization is contrary to what was shown by

Applicants in the Submission under 37 C.F.R. § 1.114 filed September 13, 2004 ("Submission") for at least two reasons.

First, as acknowledged by the Examiner, no prima facie case could be sustained based upon the Examiner's sole rejection because Applicants perfected their priority date to remove one of the references in that rejection. Submission, pp. 3-4; Supplemental Reply dated September 22, 2004, pp. 2-3; Notice of Allowability, p. 2.

Second, Applicants relied on the 132 declaration to show that there would have been no reasonable expectation of success, not to rebut a prima facie case of obviousness. Submission, pp. 4-6. As stated in the RCE submission at p. 6, "the data submitted [in the 132 declaration] make clear that the Examiner has not shown that there would have been a reasonable expectation of success for one of ordinary skill in the art to combine the cited references, and therefore, that the Examiner has failed to establish a prima facie case of obviousness."

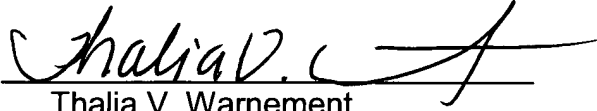
Accordingly, Applicants traverse the Examiner's statement to the extent that it implies that a prima facie case was established, and then rebutted by the 132 declaration. Applicants maintain their position that no prima facie case was ever established.

Please grant any extensions of time required to enter these comments and
charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: January 6, 2005

By: 
Thalia V. Warnement
Reg. No. 39,064